

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BRENDA KINSEY,
Plaintiff,

v.

THE CITY OF BELLMEAD, et al,
Defendants.

6:23-CV-00198-ADA-JCM

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 27. The Report recommends that Zakhary's Motion to Dismiss (ECF No. 17) and The City of Bellmead's Motion to Dismiss (ECF No. 18) be **GRANTED-IN-PART and DENIED-IN-PART**. The Report and Recommendation was filed on June 30, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Defendant The City of Bellmead filed objections on July 12, 2023. ECF No. 28. And Defendant Yousef Zakhary filed objections on July 13, 2023. ECF No. 29. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After


that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, ECF No. 27, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' objections are **OVERRULED**.

IT IS FINALLY ORDERED that Zakhary's Motion to Dismiss (ECF No. 17) and The City of Bellmead's Motion to Dismiss (ECF No. 18) are **GRANTED-IN-PART and DENIED-IN-PART** in accordance with the Report and Recommendation. The following claims remain: Plaintiff's 42 U.S.C. § 1983 claims against Zakhary for gender discrimination, sexual harassment, and retaliation for violations of the Equal Protection Clause; Plaintiff's 42 U.S.C. § 1983 claims against The City of Bellmead for gender discrimination, sexual harassment, and retaliation for violations of the Equal Protection Clause; and Plaintiff's claims against the City of Bellmead for violations of Title VII of the Civil Rights Act.

SIGNED this 17th day of July, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE